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as Receiver for PROSPERO VENTURES, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.,

Plaintiff,

v.

DONALD K. EMERY,

Defendant.

NO. C 07-03741 JCS

**NOTICE OF PENDENCY OF
RELATED CASES PURSUANT TO
CIVIL L.R. 3-13**

Related Cases:

C 04-4351 SBA
C 07-03732 MEJ
C 07-03733 JL
C 07-03735 JL
C 07-03736 EMC
C 07-03737 SI
C 07-03738 JCS
C 07-03739 EDL
C 07-03740 BZ

TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the above-captioned matter is related to the following case
that was previously filed in this court:

1 *United States of America v. Prospero Ventures*, United States District Court Case No.
 2 C 04-4351 SBA ("The Receivership Action"). By way of The Receivership Action, plaintiff
 3 herein sought and obtained a receivership over the defendant.

4 The above-captioned action is also related to the following actions filed in this district:

- 5 1. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 6 *Jane C. Sloane*, USDC Case No. C 07-03732 MEJ;
- 7 2. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 8 *Jose Maria Insenser and Lucia Martinez*, USDC Case No. C 07-03733 JL;
- 9 3. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 10 *High Growth Management, Ltd.*, USDC Case No. C 07-03735 JL;
- 11 4. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 12 *Jarrat Enterprises Limited Partnership*, USDC Case No. C 07-03736 EMC;
- 13 5. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 14 *John W. Murphy*, USDC Case No. C 07-03737 SI;
- 15 6. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 16 *Rainbow Enterprises, L.P.*, USDC Case No. C 07-03738 JCS;
- 17 7. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 18 *John M. Sloane*, USDC Case No. C 07-03739 EDL; and
- 19 8. *U.S. Small Business Administration, as Receiver for Prospero Ventures, L.P. v.*
 20 *Luzon Investments, Ltd.*, USDC Case No. C 07-03740 BZ.

21 The above-referenced actions arise out of the breach of a limited partnership agreement
 22 entered into by and between each defendant and Prospero Ventures, L.P. ("PROSPERO"). Each
 23 defendant in the above- referenced actions agreed to contribute a specific amount of capital to the
 24 formation and/or operation of PROSPERO, but failed to provide all or some of the required
 25 contribution. As a result, U.S. SMALL BUSINESS ADMINISTRATION, as Receiver for
 26 PROSPERO, filed a lawsuit for breach of the partnership agreement against each named
 27 defendant above (each defendant owes a different amount).

28 The above matters, including The Receivership Action, should be coordinated so as to

1 avoid conflicts, conserve resources and promote an efficient determination of the action.

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3 Dated: October 15, 2007

COLEMAN & HOROWITT, LLP

4
5 By: 

6 CHRISTINE J. LEVIN
7 Attorneys for Plaintiff,
8 U.S. SMALL BUSINESS
9 ADMINISTRATION, as Receiver for
10 PROSPERO VENTURES, L.P.
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PROOF OF SERVICE

I declare that I am a citizen of the United States and a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On October 15, 2007, I served the foregoing document(s) described as **NOTICE OF PENDENCY OF RELATED CASES PURSUANT TO CIVIL L.R. 3-13** on the interested parties, addressed as stated on the attached service list.

☒ BY MAIL - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

☒ BY CALIFORNIA OVERNIGHT - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.

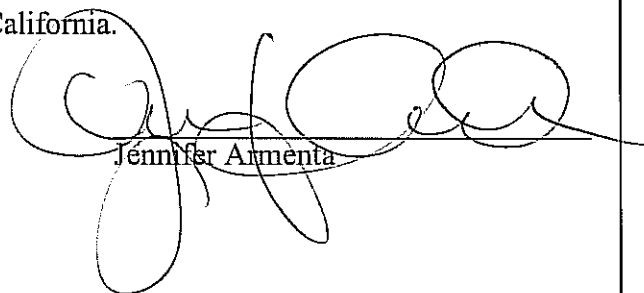
☐ BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.

☐ BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated on the attached service list.

☐ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on October 15, 2007, at Fresno, California.



Jennifer Armenta

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